



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Agenda - Final Common Council

*Mayor John T. Dickert, Alderman Q.A. Shakoor, II, Alderman Eric Marcus,
Alderman Michael Shields, Alderman Ronald D. Hart, Alderman Jim Kaplan,
Alderman Dennis Wiser, Alderman Aron Wisneski, Alderman Sandy Weidner, Alderman Terry McCarthy, Alderman Raymond DeHahn, Alderman Gregory Holding, Alderman Robert Mozol, Alderman O. Keith Fair, Alderman Melissa Kaprelian-Becker, Alderman James Morgenroth*

Tuesday, March 20, 2012

7:00 PM

Room 205, City Hall

- A. Call To Order
- B. Pledge of Allegiance To The Flag
- C. Approval of Journal of Council Proceedings (Minutes)
- D. Public Comments
- E. Communications

Refer to Finance and Personnel Committee, by Ald. Shakoor

[12-7470](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting authorization to accept a Wisconsin DNR Grant for Lincoln Park Streambank Stabilization - Grant Control No. 2011-013.

[12-7471](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting authorization to accept a Wisconsin DNR Grant for Water Quality Planning (Non-Point Source Pollutant Modeling) - Grant Control No. 2011-014.

[12-7472](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Engineering requesting authorization to accept a Wisconsin DNR Grant for Streambank Erosion Condition Report Update - Grant Control No. 2011-015.

[12-7473](#) **Subject:** Communication from the Grants Facilitator to apply for a grant with the Racine Rotary Foundation to support the Racine AfterZones

initiative. (Grant Control #2012-0006)

[12-7474](#) **Subject:** Communication from the Grants Facilitator requesting to appear before the Finance & Personnel Committee to apply for the Second Chance Act Adult Offender Reentry Program for Planning and Demonstration 2012 Grant Announcement through the US Department of Justice.(Grant Control No. 2012-007).

[12-7475](#) **Subject:** Communication from the Grants Facilitator to apply for the Title V Community Prevention Grant for Truancy Prevention Programs through the Wisconsin Office of Justice Assistance. (Grant Control No. 2012-008)

[12-7500](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Operations requesting the transfer of funds and waiving of formal bidding for a brine making system.

(Also refer to the Public Works and Services Committee)

Refer to Public Works and Services Committee, by Ald. Weidner

[12-7462](#) **Subject:** Communication from the Assistant Commissioner of Public Works/Operations submitting Amendment No. 1 to the Recycle Cart Maintenance Agreement with Rehrig Pacific Company.

Refer to Public Safety and Licensing Committee, by Ald. Wisneski

[12-7461](#) **Subject:** Communication from the Interim Director of Parks, Recreation and Cultural Services requesting formal bidding be waived and the Purchasing Agent be authorized to negotiate with H & K Sports Fields for the renovation of Lincoln Park Baseball diamond.

[12-7495](#) **Subject:** Communication from the Interim Director of Parks, Recreation and Cultural services requesting authorization of final payment for Contract 22-11 (K1-022) Masonry Restoration at Tyler-Domer Community Center.

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor

[12-7422](#) **Subject:** (Direct Referral) Communication from the City Attorney requesting authorization to represent employee Andre Steward in the lawsuit, Adam Locke v Andre Steward, US District Court Eastern District Case No. 11-C-801

Recommendation of the Finance & Personnel Committee on

2-27-12: Defer the item until the Finance & Personnel Committee meeting on March 12, 2012.

Recommendation of the Finance & Personnel Committee on

3-12-12: To Receive and file.

Fiscal Note: N/A

[12-7449](#)

Subject: Communication from the City Administrator requesting to present a recommendation to change the organizational structure of the City's management team regarding the positions of City Engineer, City Assessor and the Building Complex Facilities Manager. (Ord.4-12)

Recommendation of the Finance & Personnel Committee on

3-12-12: To change the organizational structure of the City's Management team regarding the positions of City Engineer, City Assessor, and the Building Complex Facilities Manager and direct staff to draft appropriate ordinance updates.

Fiscal Note: N/A

Public Works and Services Committee Report, by Ald. Weidner[12-7426](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, Ayres Associates, Inc., consultant. (Res. 12-3028)

Recommendation of the Public Works and Services Committee on

3-13-12: That the professional services provided by Ayers Associates, Inc., under Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, be accepted and final payment authorized for a total contract amount of \$56,363.38.

Fiscal Note: Contract was authorized under Resolution No. 9-1247, dated February 18, 2009.

[12-7439](#)

Subject: Communication from the Assistant Commissioner of Public Works/Operations submitting a request from Express Elevator, LLC to renew the elevator service contract. (Res. 12-3022)

Recommendation of the Public Works and Services Committee on

3-13-12: That the current elevator maintenance agreement with Express Elevator, LLC, Oak Creek, WI, be extended through March 31, 2013 at their monthly rate of \$1,340.00 for maintenance of all elevators at City

Hall, City Hall Annex, Safety Building, Memorial Hall and the Library.

Fiscal Note: This represents a 0% increase over the current monthly rate established in 2011.

12-7444

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 1 to Contract 30-11 (K1-032), Festival Hall AC Replacement - Phase II, DMJ Services LLC d/b/a Action Heating & Cooling, contractor. (Res. 12-3036)

Recommendation of the Public Works and Services Committee on 1-31-12: That Change Order No. 1 on Contract 30-11 (K1-032), Festival Hall AC Replacement - Phase II, DMJ Services LLC d/b/a Action Heating & Cooling, contractor, be approved in the amount of \$2,139.72.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 108.991.5010, Festival Hall Air Handler.

12-7445

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer requesting to rescind Res. 11-2883 which authorized final payment to Contract 30-11 (K1-032), Festival Hall AC Replacement - Phase II, DMJ Services LLC d/b/a Action Heating & Cooling, contractor. (Res. 12-3037)

Recommendation of the Public Works and Services Committee on 3-13-12: That the work done by DMJ Services LLC d/b/a/ Action heating & Cooling under Contract 30-11 (K10-0324), Festival Hall AC Replacement - Phase II, be accepted and final payment authorized for a total contract amount of \$105,493.72.

Fiscal Note: Contract was authorized under Resolution No. 11-2552, dated May 17, 2011.

12-7446

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results for Contract 2-12 (K2-002), 2012 Sidewalk Replacement - Phase 1 (R1). (Res. 12-3023)

Recommendation of the Public Works and Services Committee on 3-13-12: That Contract 2-12 (K2-002), 2010 Sidewalk Replacement - Phase I (R1), be awarded to AZAR LLC, Racine, WI, at their bid price of \$301,958.83, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 230,958.83 - Account 906.000.5520, Sidewalk Replacement

\$ 19,877.50 - Account 991.908.5320, Replace Curb and Gutter
\$ 2,050.00 - Account 991.908.5530, Crosswalk Ramps
\$ 8,000.00 - Account 992.908.5520, Sidewalk Replacement
\$ 13,122.50 - Account 992.908.5320, Replace Curb and Gutter
\$ 27,950.00 - Account 992.908.5530, Crosswalk Ramps
\$ 301,958.83 - Total

[12-7447](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results for Contract 5-12 (K2-005), Three Mile Road Reconstruction (R1). (Res. 12-3024)

Recommendation of the Public Works and Services Committee on 3-13-12: That Contract 5-12 (K2-005), Three Mile Road Reconstruction (R1), be awarded to LaLonde Contractors, Inc., Milwaukee, WI, at their bid price of \$1,568,652.53, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 405,465.69 - Account 906.992.5010, Three Mile Rd Const
\$ 1,163,186.84 - Account 919.992.5010, Three Mile Rd Const
\$ 1,568,652.53

[12-7448](#)

Subject: Communication from the Children's Service Society Racine Child Advocacy Center requesting permission to place ribbons on street light poles during the month of April to draw attention to Child Abuse Prevention Month. (Res. 12-3020)

Recommendation of the Public Works and Services Committee on 3-13-12: That the request of the Children's Service Society Racine Child Advocacy Center to tie blue ribbons and bows on street light poles along main streets from April 1, 2012 to April 30, 2012 in observance of April as Child Abuse Prevention Month, be approved with the following stipulations :

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to this event.

Fiscal Note: N/A

[12-7451](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 28-09 (K9-029), PS- Sewer System Data Models, Phase II, AECOM, contractor. (Res. 12-3026)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by AECOM Technical

Services, Inc., under Contract 28-09 (K0-029), Professional Services - Sewer System Data Models, Phase II, be accepted and final payment authorized for a total contract amount of \$115,664.15.

Fiscal Note: Contract was authorized under Resolution No. 9-1250, dated February 18, 2009.

[12-7452](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 23-10 (K0-026), 2010 Pavement Inspection and Planning, AECOM, contractor. (Res. 12-3027)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by AECOM Technical Services, Inc., under Contract 23-10 (K0-026), Professional Services - 2010 Pavement Inspection and Planning, be accepted and final payment authorized for a total contract amount of \$77,892.91.

Fiscal Note: Contract was authorized under Resolution No. 10-1839, dated February 2, 2010.

[12-7453](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 67-09 (K9-068), Professional Services - Recycling Fee On-Call Services, AECOM Technical Services, Inc., consultant. (Res. 12-3030)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by AECOM Technical Services, Inc., under Contract 67-09 (K9-068), Professional Services - Recycling Fee On-Call Services, be accepted and final payment authorized for a total contract amount of \$24,989.64.

Fiscal Note: Contract was authorized under Resolution No. 9-1633, dated October 6, 2009.

[12-7454](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 3-10 (K0-003), Professional Services - West Canopy Repair and Restoration at State Street Depot, Isthmus Architecture, Inc., consultant. (Res. 12-3031)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by Isthmus Architecture, Inc., under Contract 3-10 (K0-003), Professional Services - West Canopy Repair and Restoration at State Street Depot, be accepted and final payment authorized for a total contract amount of \$54,667.87.

Fiscal Note: Contract was authorized under Resolution No. 9-1731, dated December 1, 2009.

[12-7457](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 12-09 (K9-012), Professional Services - Repairs to Main Street Bridge, HNTB, consultant. (Res. 12-3029)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by HNTB, under Contract 12-09 (K9-012), Professional Services - Repairs to Main Street Bridge, be accepted and final payment authorized for a total contract amount of \$23,528.17

Fiscal Note: Contract was authorized under Resolution No. 9-1248, dated February 18, 2009.

[12-7458](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 9-10 (K0-009), Professional Services - Exterior Restoration and Window Replacement at Various Facilities, Industrial Roofing Services, Inc., consultant. (Res. 12-3032)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by Industrial Roofing Services, Inc., under Contract 9-10 (K0-009), Professional Services - Exterior Restoration and Window Replacement at Various Facilities, be accepted and final payment authorized for a total contract amount of \$25,450.00.

Fiscal Note: Contract was authorized under Resolution No. 10-1815, dated January 19, 2010.

[12-7459](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering requesting permission to acquire 17' of right-of-way at 1018 Three Mile Road for the Three Mile Road Project. (Res. 12-3025)

Recommendation of the Public Works and Services Committee on 3-13-12: That the City Attorney be authorized and directed to take the necessary steps to acquire 17' of frontage at 1018 Three Mile Road, further described as:

That part of the southwest $\frac{1}{4}$ of Section 28
Township 4 North, Range 23 East described as follows:

Commence at the Southwest corner of Section 28, Township 4 North, Range 23 East; Thence North 88°42'44" East, along the South line of section 28, 1034.15 feet; thence North 00°11'46" West, 33.01 feet; to the POINT OF BEGINNING; thence North 00°11'46" West, 17.00 feet; thence North 88°42'44" East, 55.05 feet; thence South 00°11'46" East, 17.00 feet; thence South 88°42'44" West, 55.05 feet; to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 935.85 square feet more-or-less.

Fiscal Note: The acquisition of this property will facilitate the 2012 Three Mile Road Project - N. Main Street to LaSalle Street. With funding available in Account 919.992.5010, Three Mile Road Construction.

[12-7463](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 42-10 (K0-051), Professional Services - BUS Application Preparation, AECOM Technical Services, Inc., consultant. (Res. 12-3035)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by AECOM Technical Services, Inc., under Contract 42-10 (K0-051), Professional Services - BUS Application Preparation, be accepted and final payment authorized for a total contract amount of \$10,304.32.

Fiscal Note: Contract was authorized under Resolution No. 10-2043, dated June 1, 2010.

[12-7464](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 38-10 (K0-046), Professional Services - Future Operation and Planning Alternatives, Len Brandrup, consultant. (Res. 12-3034)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by Len Brandrup, under Contract 38-10 (K0-046), Professional Services - Future Operations and Planning Alternatives, be accepted and final payment authorized for a total contract amount of \$14,511.93.

Fiscal Note: Contract was authorized under Resolution No. 10-1953, dated April 19, 2010.

[12-7465](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 37-10 (K0-045), Professional Services - Extend Cityworks

Software to Building Department, Azteca Systems, Inc., consultant.
(Res. 12-3033)

Recommendation of the Public Works and Services Committee on 3-13-12: That the professional services provided by Azteca Systems, Inc., under Contract 37-10 (K0-045), Professional Services - Extend Cityworks Software to Building Department, be accepted and final payment authorized for a total contract amount of \$94,645.00.

Fiscal Note: Contract was authorized under Resolution No. 10-1972, dated April 19, 2010.

Public Safety and Licensing Committee Report, by Ald. Wisneski

[12-7428](#)

Subject: (New) Application of Mary's Diamond Corporation, Marilu Perez, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1221 Douglas Avenue (4th District)

Recommendation of the Public Safety and Licensing Committee on 3-12-12: That the application of Mary's Diamond Corporation, Marilu Perez, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1221 Douglas Avenue be approved pending completion of all inspections.

Fiscal Note: N/A

[12-7429](#)

Subject: Communication from the Interim Director of Park, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for roof replacement at Colonial Park Restroom Building. (Res. 12-3038)

Recommendation of the Public Safety and Licensing Committee on 3-12-12: That the Interim Director of Park, Recreation and Cultural services be authorized to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for roof replacement at Colonial Park Restroom Building.

Fiscal Note: Funds are available in account 992-700-2600, Colonial Park Roof Replacement.

[12-7430](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Nielsen Madsen & Barber S.C. to provide engineering, construction documents and construction management for 2012 Parks Asphalt Improvements. (Res. 12-3039)

Recommendation of the Public Safety and Licensing Committee on 3-12-12: That the Interim Director of Parks, Recreation and Cultural Services be authorized to enter into a Professional Services Agreement with Nielsen Madsen & Barber S.C. to provide engineering, construction documents and construction management for 2012 Parks Asphalt Improvements.

Fiscal Note: Funds are available in the following accounts:
992-700-5010, Repave Johnson Park Picnic Road; 992-700-5080, Lincoln Park Parking Lot Asphalt and 992-700-5100, Pershing Park Parking Lot Asphalt.

[12-7431](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for Roof Replacement Sections 5 & 10 at the Chavez Community Center. (Res. 12-3040)

Recommendation of the Public Safety and Licensing Committee on 3-12-12: That the Interim Director of Parks, Recreation and Cultural Services be authorized to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for Roof Replacement Sections 5 & 10 at the Chavez Community Center.

Fiscal Note: Funds are available in account 992-640-5010, Chavez Replace Roof Section 5 & 10.

[12-7408](#)

Subject: (Direct Referral) Sale of Abandoned Vehicles 3-6-2012

Recommendation of the Public Safety and Licensing Committee on 3-12-12: That the item be received and filed.

Fiscal Note: This will generate \$14,222.02 in Revenue.

City Plan Commission Report, by Ald. Wisneski

[12-7336](#)

Subject: Communication from the Director of City Development requesting to create Tax Incremental District No. 17 for the purpose of providing financial assistance for the redevelopment of the buildings at 301 Sixth Street and 608 Wisconsin Avenue. (PC-12) (Res. 12-3043)

Recommendation of the City Plan Commission on 2-29-12: That the

creation of Tax Incremental District No. 17 promotes orderly development in the City.

Further recommends that Tax Incremental District No. 17 be created with the boundaries designated in the Project Plan.

Further recommends that the Project Plan for Tax Incremental District No. 17, as adopted by the City Plan Commission on February 29, 2012, be approved.

Fiscal Note: The purpose of this District is to foster the rehabilitation of the vacant buildings and surface parking lot that comprise the District and restore their economic vitality by renovating them for mixed residential and commercial use. The project plan calls for \$1.1 million to be provided to assist the renovation. The \$1.1 million will be advanced from the Intergovernmental Revenue Sharing Fund and will be repaid by the tax increment over 25 years at 3 percent interest. Sufficient funds are available in the Intergovernmental Revenue Sharing Fund (919) account.

[12-7344](#)

Subject: (Direct Referral) Request from J.C. Frazier for Northwestern Funeral Chapel, Inc. seeking a conditional use permit to operate a funeral establishment in conjunction with facility for other private and community events at 740 Lake Avenue. (PC-12) (Res. 12-3041)

Recommendation of the City Plan Commission on 3-14-12: That the item be approved subject to conditions.

Fiscal Note: N/A

[12-7423](#)

Subject: (Direct Referral) Request from Micah Waters, representing Porters of Racine Building, seeking a conditional use permit for up to eleven (11) ground-floor residential units as part of a mixed-use development containing additional upper level living units and ground floor commercial space at 301 Sixth Street and 608 Wisconsin Ave. (PC-12) (Res. 12-3042)

Recommendation of the City Plan Commission on 2-29-12: That the request be approved subject to conditions.

Fiscal Note: N/A

[12-7466](#)

Subject: (Direct Referral) Amendments to the City of Racine floodplain ordinance for consistency with FEMA mapping. (PC-12)

Recommendation of the City Plan Commission on 3-14-12: That an ordinance be prepared and public hearing scheduled.

Fiscal Note: N/A

Redevelopment Authority of the City of Racine Report, by Ald. Shakoor.

[12-7450](#)

Subject: (Direct Referral) Communication from the Director of City Development requesting an advance of funds from the Intergovernmental Revenue Sharing Fund to be repaid from Tax Incremental District no. 17 (Porters of Racine Building). (Res. 12-3045)

Recommendation of the Redevelopment Authority on 3-5-12: That the Authority supports the use of funding from Intergovernmental Revenue Sharing Fund for financial assistance for the redevelopment of the Porters of Racine Building.

Further recommends that the Mayor and City Clerk be authorized to execute a development agreement with the developer, subject to the following:

- That the terms of the agreement are substantially the same as the terms in the term sheet dated February 28, 2012 and presented to the Redevelopment Authority on March 5, 2012;
- That the agreement includes such provisions as the Director of City Development and City Attorney shall determine to be necessary and appropriate for such an agreement; and
- That the Common Council approve the expenditure of \$1,260,000 from the Intergovernmental Revenue Sharing Fund to implement the agreement, of which \$1.1 million shall be an advance to TID-17 to be repaid by tax increment at three percent interest and \$160,000 to be a façade grant on a matching basis.

Fiscal Note: The funds are available in the Intergovernmental Revenue Sharing (919) Account.

Board of Parks, Recreation, and Cultural Services Report, by Ald. McCarthy

[11-7227](#)

Subject: Communication from the President of the Racine Raiders requesting the use of the area on the South West corner of land that borders Horlick Athletic Field.

Recommendation of the Board of Parks, Recreation and Cultural Services on 2-8-12: To defer until the March meeting, with staff to gather more information. Joey LeGath requested a member of the Racine Raiders Football Club to be present at the next meeting to answer questions the board may have.

Recommendation of the Board of Parks, Recreation and Cultural Services on 3-14-12: To approve subject to communication with Alderman Q.A. Shakoor, working with staff, and City Attorney's office as appropriate.

G. Consent Agenda - Resolutions

Res.12-3020 Child Abuse Prevention Month

Resolved, that the request of the Children's Service Society Racine Child Advocacy Center to tie blue ribbons and bows on street light poles along main streets in observance of April as Child Abuse Prevention Month, is approved.

Fiscal Note: N/A

Sponsors: Sandy Weidner

Res.12-3022 Renew the elevator service contract

Resolved, that the current elevator maintenance agreement with Express Elevator, LLC, Oak Creek, WI, is extended through March 31, 2013 at their monthly rate of \$1,340.00 for maintenance of all elevators at City Hall, City Hall Annex, Safety Building, Memorial Hall and the Library.

Fiscal Note: This represents a 3.9% increase over the current monthly rate established in 2007.

Sponsors: Sandy Weidner

Res.12-3023 Contract 2-12 (K2-002), 2012 Sidewalk Replacement - Phase 1 (R1)

Resolved, that Contract 2-12 (K2-002), 2010 Sidewalk Replacement - Phase I (R1), is awarded to AZAR LLC, Racine, WI, at their bid price of \$301,958.83, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 230,958.83 - Account 906.000.5520, Sidewalk Replacement
\$ 19,877.50 - Account 991.908.5320, Replace Curb and Gutter
\$ 2,050.00 - Account 991.908.5530, Crosswalk Ramps
\$ 8,000.00 - Account 992.908.5520, Sidewalk Replacement
\$ 13,122.50 - Account 992.908.5320, Replace Curb and Gutter
\$ 27,950.00 - Account 992.908.5530, Crosswalk Ramps
\$ 301,958.83 - Total

Sponsors: Sandy Weidner

Res.12-3024 Contract 5-12 (K2-005), Three Mile Road Reconstruction (R1)

Resolved, that Contract 5-12 (K2-005), Three Mile Road Reconstruction (R1), is awarded to LaLonde Contractors, Inc., Milwaukee, WI, at their bid price of \$1,568,652.53, they being the lowest responsible bidder.

Fiscal Note: Funding to defray the cost of this public works project be appropriated from the following accounts:

\$ 405,465.69 - Account 906.992.5010, Three Mile Rd Const
\$ 1,163,186.84 - Account 919.992.5010, Three Mile Rd Const
\$ 1,568,652.53

Sponsors: Sandy Weidner

Res.12-3025 Acquisition of 17' of right-of-way at 1018 Three Mile Road for the Three Mile Road Project

Resolved, that the City Attorney is authorized and directed to take the necessary steps to acquire 17' of frontage at 1018 Three Mile Road, further described as:

That part of the southwest $\frac{1}{4}$ of Section 28 Township 4 North, Range 23 East described as follows:

Commence at the Southwest corner of Section 28, Township 4 North, Range 23 East; Thence North 88°42'44" East, along the South line of section 28, 1034.15 feet; thence North 00°11'46" West, 33.01 feet; to the POINT OF BEGINNING; thence North 00°11'46" West, 17.00 feet; thence North 88°42'44" East, 55.05 feet; thence South 00°11'46" East, 17.00 feet; thence South 88°42'44" West, 55.05 feet; to the POINT OF BEGINNING. Said land being in the City of Racine, Racine County, Wisconsin.

Said described tract containing 935.85 square feet more-or-less.

Fiscal Note: The acquisition of this property will facilitate the 2012 Three Mile Road Project - N. Main Street to LaSalle Street, with funding available in Account 919.992.5010, Three Mile Road construction.

Sponsors: Sandy Weidner

Res.12-3026 Contract 28-09 (K9-029), PS- Sewer System Data Models, Phase II, AECOM, contractor

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 28-09 (K0-029), Professional Services - Sewer System Data Models, Phase II, is accepted and final payment authorized for a total contract amount of \$115,664.15.

Fiscal Note: Contract was authorized under Resolution No. 9-1250, dated February 18, 2009.

Sponsors: Sandy Weidner

Res.12-3027 Contract 23-10 (K0-026), 2010 Pavement Inspection and Planning, AECOM, contractor

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 23-10 (K0-026), Professional Services - 2010 Pavement Inspection and Planning, is accepted and final payment authorized for a total contract amount of \$77,892.91.

Fiscal Note: Contract was authorized under Resolution No. 10-1839, dated February 2, 2010.

Sponsors: Sandy Weidner

Res.12-3028 Contract 7-09 (K9-007), Professional Services

Resolved, that the professional services provided by Ayers Associates, Inc., under Contract 7-09 (K9-007), Professional Services - Repairs to State Street Bridge, is accepted and final payment authorized for a total contract amount of \$56,363.38.

Fiscal Note: Contract was authorized under Resolution No. 9-1247, dated February 18, 2009.

Sponsors: Sandy Weidner

Res.12-3029 Contract 12-09 (K9-012)

Resolved, that the professional services provided by HNTB, under Contract 12-09 (K9-012), Professional Services - Repairs to Main Street Bridge, are accepted and final payment authorized for a total contract amount of \$23,528.17.

Fiscal Note: Contract was authorized under Resolution No. 9-1248, dated February 18, 2009.

Sponsors: Sandy Weidner

Res.12-3030 Contract 67-09 (K9-068)

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 67-09 (K9-068), Professional Services - Recycling Fee On-Call Services, are accepted and final payment authorized for a total contract amount of \$24,989.64.

Fiscal Note: Contract was authorized under Resolution No. 9-1633,

dated October 6, 2009.

Sponsors: Sandy Weidner

Res.12-3031 Contract 3-10 (K0-003)

Resolved, that the professional services provided by Isthmus Architecture, Inc., under Contract 3-10 (K0-003), Professional Services - West Canopy Repair and Restoration at State Street Depot, be accepted and final payment authorized for a total contract amount of \$54,667.87.

Fiscal Note: Contract was authorized under Resolution No. 9-1731, dated December 1, 2009.

Sponsors: Sandy Weidner

Res.12-3032 Contract 9-10 (K0-009)

Resolved, that the professional services provided by Industrial Roofing Services, Inc., under Contract 9-10 (K0-009), Professional Services - Exterior Restoration and Window Replacement at Various Facilities, are accepted and final payment authorized for a total contract amount of \$25,450.00.

Fiscal Note: Contract was authorized under Resolution No. 10-1815, dated January 19, 2010.

Sponsors: Sandy Weidner

Res.12-3033 Contract 37-10 (K0-045)

Resolved, that the professional services provided by Azteca Systems, Inc., under Contract 37-10 (K0-045), Professional Services - Extend Cityworks Software to Building Department, are accepted and final payment authorized for a total contract amount of \$94,645.00.

Fiscal Note: Contract was authorized under Resolution No. 10-1972, dated April 19, 2010.

Sponsors: Sandy Weidner

Res.12-3034 Contract 38-10 (K0-046)

Resolved, that the professional services provided by Len Brandrup, under Contract 38-10 (K0-046), Professional Services - Future Operations and Planning Alternatives, are accepted and final payment authorized for a total contract amount of \$14,511.93.

Fiscal Note: Contract was authorized under Resolution No. 10-1953, dated April 7, 2010.

Sponsors: Sandy Weidner

Res.12-3035 Contract 42-10 (K0-051)

Resolved, that the professional services provided by AECOM Technical Services, Inc., under Contract 42-10 (K0-051), Professional Services - BUS Application Preparation, are accepted and final payment authorized for a total contract amount of \$10,304.32.

Fiscal Note: Contract was authorized under Resolution No. 10-2043, dated June 1, 2010.

Sponsors: Sandy Weidner

Res.12-3036 Change Order No. 1 to Contract 30-11 (K1-032)

Resolved, that Change Order No. 1 on Contract 30-11 (K1-032), Festival Hall AC Replacement - Phase II, DMJ Services LLC d/b/a Action Heating & Cooling, contractor, be approved in the amount of \$2,139.72.

Fiscal Note: Funding to defray the cost of this change order be appropriated from Account 108.991.5010, Festival Hall Air Handler.

Sponsors: Sandy Weidner

Res.12-3037 Contract 30-11 (K1-032)

Resolved, that the work done by DMJ Services LLC d/b/a/ Action heating & Cooling under Contract 30-110 (K10-0324), Festival Hall AC Replacement - Phase II, is accepted and final payment authorized for a total contract amount of \$105,493.72.

Fiscal Note: Contract was authorized under Resolution No. 11-2552, dated May 17, 2011.

Sponsors: Sandy Weidner

Res.12-3038 Roof replacement at Colonial Park Restroom Building

Resolved, that the Interim Director of Park, Recreation and Cultural services are authorized to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for roof replacement at Colonial Park Restroom Building.

Fiscal Note: Funds are available in account 992-700-2600, Colonial Park Roof Replacement.

Sponsors: Aron Wisneski

Res.12-3039 2012 Parks Asphalt Improvements

Resolved, that the Interim Director of Parks, Recreation and Cultural Services is authorized to enter into a Professional Services Agreement with Nielsen Madsen & Barber S.C. to provide engineering, construction documents and construction management for 2012 Parks Asphalt Improvements.

Fiscal Note: Funds are available in the following accounts:

992-700-5010, Repave Johnson Park Picnic Road; 992-700-5080, Lincoln Park Parking Lot Asphalt and 992-700-5100, Pershing Park Parking Lot Asphalt.

Sponsors: Aron Wisneski

Res.12-3040 Roof Replacement Sections 5 & 10 at the Chavez Community Center

Resolved, that the Interim Director of Parks, Recreation and Cultural Services are authorized to enter into a Professional Services Agreement with Industrial Roofing Services, Inc. to provide engineering, construction documents and construction management for Roof Replacement Sections 5 & 10 at the Chavez Community Center.

Fiscal Note: Funds are available in account 992-640-5010, Chavez Replace Roof Section 5 & 10.

Sponsors: Aron Wisneski

Res.12-3041 Northwestern Funeral Chapel, Inc.

Resolved, that the request from J.C. Frazier for Northwestern Funeral Chapel, Inc. seeking a conditional use permit to operate a funeral establishment in conjunction with a facility for other private and community events at 740 Lake Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on February 8, 2012, be approved subject to the conditions contained herein.
- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the hours and days the facilities is open to the general public for functions, activities and events shall be Monday through Thursday 9:00 a.m. - 9:00 p.m., Friday and Saturday 8:00 a.m. - 12:00 midnight, and Sunday Noon to 9:00 p.m.

d. That the types of functions, activities and events that may be accommodated by this facility may include funeral services and visitations and associated support activities (excluding embalming and cremation services), general management offices, maintenance, event scheduling, rental activities such as church services, religious education, business and community meetings, club meetings and activities, speakers, dance and music recitals, small concert programs, and fund raising events.

e. That by May 1, 2012 a security plan for the building and information addressing safety, loitering, after-hours policies and any other potential security issues shall be submitted to the Department of City Development for review and approval.

f. That all signs shall be professionally made, comply with zoning requirements, and be submitted for the review and approval of the Downtown Area Design Review Commission prior to issuance of building permits and installation.

g. That the flow of funeral processions be conducted in accordance with the submitted plans with the following exception:

1. Parking meters may only be "bagged" directly in front of 740 Lake Avenue only for the use three vehicles; the funeral home lead vehicle, immediate family members' vehicle and the hearse.
2. No other parking meter bags for associated funeral operations shall be placed within the area bounded by Wisconsin Avenue, Lake Avenue, Fifth Street, and Ninth Street.
3. All other vehicles participating in a procession originating from 740 Lake Avenue shall join said procession at the intersection of Library Drive and Sixth Street, and the procession shall head east to Pershing Drive, and then south.

h. That processions from 740 Lake Avenue shall immediately cease and desist if determined by the Director of City Development or the Zoning Administrator that said processions are the cause of excessive traffic congestion within the area bounded by Wisconsin Avenue, Lake Avenue, Fifth Street, and Ninth Street. Processions may resume only upon approval by the Plan Commission of a plan submitted by the funeral operator or their authorized representative that, in the judgment of the Plan Commission, presents a suitable remedy to traffic congestion attributable to the funeral processions originating from 740 Lake Avenue.

i. That by September 1, 2012 all areas of peeling or chipping paint shall be repainted in a color and manner as approved by the Downtown Area Design Review Commission.

- j. That all trash and recyclables be stored in closed containers and screened from view.
- k. That any modifications to the exterior of the building be presented to the Downtown Area Design Review Commission prior to implementation.
- l. That those improvements as required by above conditions shall be fully implemented by the dates listed. If the applicant or owner fails to implement the required improvements by said dates, the applicant or owner shall provide the City with a letter of credit, bond, or other acceptable financial security, equal in value to the required improvements.

The financial security documents shall be submitted for the review and approval of the Director of City Development, shall be issued in the City's favor, shall be in effect for one year from the date of issuance, shall be extended beyond the expiration date if deemed necessary by the City of Racine, and shall require that the issuer give a 90 day notice to the Department of City Development prior to the expiration of said financial security.

The City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on the financial security for the cost of implementation if required improvements are not implemented by the dates stated. Any costs incurred in excess of the value of the financial security shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute.

By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for purpose hereby described.

- m. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common Council.

- n. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Aron Wisneski

[Res.12-3042](#) 301 Sixth Street and 608 Wisconsin Avenue

Resolved, that the request from Micah Waters, representing Porters of Racine building, seeking a conditional use permit for up to eleven (11) ground-floor residential units as part of a mixed-use development containing additional upper level living units and ground-floor commercial spaces at 301 Sixth Street and 608 Wisconsin Avenue be approved, subject to the following conditions:

- a. That the plans stamped presented to the Plan Commission on February 29, 2012 be approved, subject to the conditions contained herein.
- b. That final building, landscaping, lighting and signage designs be submitted for the review and approval of the Downtown Area Design Review Commission.
- c. That all codes and ordinance be complied with and all permits acquired.
- d. That no minor changes to the conditions of this permit be made without the approval of the Plan Commission and no major changes made without the approval of the Common Council.
- e. That this permit is subject to review by the Plan Commission for compliance to the listed conditions.

Fiscal note: N/A

Sponsors: Aron Wisneski

Res.12-3043 RESOLUTION CREATING TAX INCREMENTAL DISTRICT NO. 17, ESTABLISHING ITS BOUNDARIES AND APPROVING ITS PROJECT PLAN

WHEREAS, the City of Racine (the "City") has determined that use of Tax Incremental Financing is required to promote redevelopment within the City; and

WHEREAS, Tax Incremental District No. 17 (the "District") is proposed to be created by the City as a rehabilitation-conservation district in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the "Tax Increment Law"); and

WHEREAS, the Plan Commission has prepared a Project Plan for the District that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent

- provided in Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., Wisconsin Statutes, outside of the District;
- b. An economic feasibility study;
 - c. A detailed list of estimated project costs;
 - d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
 - e. A map showing existing uses and conditions of real property in the District;
 - f. A map showing proposed improvements and uses in the District;
 - g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
 - h. A list of estimated non-project costs;
 - i. A statement of the proposed plan for relocation of any persons to be displaced;
 - j. A statement indicating how the district promotes the orderly development of the City;
 - k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Section 66.1105(4)(f), Wisconsin Statutes; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to owners of all property in the proposed district, to the chief executive officers of Racine County, the Racine Unified School District, the Gateway Technical College District, and any other entities having the power to levy taxes on property located within the proposed District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on February 29, 2012 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission adopted the project plan and boundaries of the proposed District, and subsequently recommended that the Common Council approve and create such District.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Racine that:

1. The boundaries of "Tax Incremental District No. 17, City of Racine", are hereby established as specified in and attached to Legistar item no. 12-7336.

2. The District is created effective as of January 1, 2012.
3. The Common Council finds and declares that:
 - (a) Not less than 50% by area of the real property within the District is in need of rehabilitation - conservation work within the meaning of Section 66.1337(2m)(b) of the Wisconsin Statutes. Furthermore any property standing vacant for the entire seven years preceding the adoption of this Resolution does not comprise more than 25% of the area in the District in compliance with Section 66.1105(4)(gm)1. of the Wisconsin Statutes.
 - (b) Based upon the findings, as stated in 3.(a) above, the District is declared to be a rehabilitation-conservation district based on the identification and classification of the property included within the District.
 - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
 - (d) The equalized value of the taxable property in the District, plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
 - (e) The City estimates that approximately 50% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Section 66.1105(5)(b) of the Wisconsin Statutes.
 - (f) The project costs relate directly to promoting the rehabilitation of the area consistent with the purpose for which the District is created.
4. The Project Plan for "Tax Incremental District No. 17, City of Racine" as attached to Legistar item no. 12-7336 is approved, and the City further finds that plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2012, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

BE IT FURTHER RESOLVED THAT the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those

parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Fiscal Note: The purpose of this District is to foster the rehabilitation of the vacant buildings and surface parking lot that comprise the District and restore their economic vitality by renovating them for mixed residential and commercial use. The project plan calls for \$1.1 million to be provided to assist the renovation. The \$1.1 million will be advanced from the Intergovernmental Revenue Sharing Fund and will be repaid by the tax increment over 25 years at 3 percent interest. Sufficient funds are available in the Intergovernmental Revenue Sharing Fund (919) account.

Sponsors: Aron Wisneski

Res.12-3045 Intergovernmental Revenue Sharing Fund to be repaid from Tax Incremental District no. 17 (Porters of Racine Building)

Resolved, that the Mayor and City Clerk are authorized to execute a development agreement with the developer, subject to the following:

- That the terms of the agreement are substantially the same as the terms in the term sheet dated February 28, 2012 and presented to the Redevelopment Authority on March 5, 2012;
- That the agreement includes such provisions as the Director of City Development and City Attorney shall determine to be necessary and appropriate for such an agreement; and
- That the Common Council approve the expenditure of \$1,260,000 from the Intergovernmental Revenue Sharing Fund to implement the agreement, of which \$1.1 million shall be an advance to TID-17 to be repaid by tax increment at three percent interest and \$160,000 to be a façade grant on a matching basis.

Fiscal Note: The funds are available in the Intergovernmental Revenue Sharing (919) Account.

Sponsors: Q.A. Shakoor, II

H. Ordinances

Ord.3-12 Ord. 3-12

To repeal and recreate Ch. 114, Sec. 845(2) and amend Ch. 114, Sec. 890(e)1.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Sec. 845(2) of the Municipal Code of the City of Racine is hereby **repealed and recreated** to read as follows:

Official maps: Based on the FIS.

(a) Flood Insurance Rate Map (FIRM), panels 55101C0111D, 55101C0113D, 55101C0114D, 5101C0118D, 55101C0119D, 55101C0209D, 55101C0226D, 55101C0227D, 55101C0228D, 55101C0229D, 55101C0231D, 55101C0232D, 55101C0233D, 55101C0234D, 55101C0236D, 55101C0237D, and 55101C0241D, dated May 2, 2012; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated May 2, 2012, Volume numbers 55101CV001A and 55101CV002A.

Part 2:

Sec. 114-890(e) 1. of the Municipal Code of the City of Racine is hereby amended to read as follows:

(e) 1. Except as provided in subsection 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current requirements of this chapter. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equal to or exceeding 50 percent of the structure's present equalized assessed value just before the destruction or damage.

Part 3:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Aron Wisneski

Ord.4-12

Ordinance 4-12

To amend Chapter 2 - Administration - Article V. - Officers and Employees, Division 1 - Generally (Sec. 2-437(a)) and Division 4 - Finance Director/City Treasurer (Sec. 2-482); and Part 1 - charter Ordinances - Article II - Officers and Employees, Division 3 - City Assessor (Sec. 2-51) of the Municipal code of the City of Racine, Wisconsin.

The Common Council of the City of Racine do ordain as follows:

Part 1:

To amend Chapter 2 - Administration, Article V. - Officers and Employees, Division 1 - Generally, Sec. 2-437(a) - Administrative managers, residency requirement as follows: Remove the words "city assessor."

Part 2:

To amend Chapter 2 - Administration, Article V - Officers and Employees, Division 4 - Finance Director/City Treasurer, Sec. 2-482 - Duties as follows: Add (6) to read, "Be the administrative head of the Assessor and shall supervise the work of the office of the Assessor."

Part 3:

To amend Part 1 Charter Ordinances - Article II - Officers and Employees - Division 3 - City Assessor, Sec. 2-52 - Appointment, term, as follows: Delete the words "submit to the common council" and replace with the word "prepare."

Part 4:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

Ord.5-12

Ordinance 5-12

To repeal Article II, Division 9, Sec. 2-186 of the Municipal Code of the City of Racine, Wisconsin.

To amend Sec. 2-531 (b) and (c) of the Municipal Code of the City of Racine, Wisconsin relating to Article IV, Departments, Division 8. Commissioner of Public Works.

The Common Council of the city of Racine do ordain as follows:

Part 1:

To repeal Article II, Division 9, Sec. 2-186 of the Municipal Code of the City of Racine, Wisconsin

Part 2:

Sec. 2-531 (b) of the Municipal Code of the City of Racine is hereby amended as follows:

(b) The commissioner of public works is hereby given and shall have general control, supervision and direction of the following offices and departments: Building inspection department, electrical inspection department plumbing inspection department, engineering department, transportation department, equipment maintenance division, solid waste collection and disposal division, bridges and all public buildings.

Part 3:

Sec. 2-531 (c) of the Municipal Code of the city of Racine is hereby amended as follows:

(c) The assistant commissioner of public works/city engineer, assistant commissioner of public works/operations, facilities manager, chief building inspector, chief electrical inspector and chief plumbing inspector shall perform their duties under the direction of the commissioner of public works.

Part 4:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved:

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: Q.A. Shakoor, II

I. Adjourn

Office of The City Clerk

If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 636-9171 at least 48 hours prior to this meeting.